

REMARKS

INTRODUCTION:

In accordance with the foregoing, claim 2 has been canceled without prejudice or disclaimer, and claims 1, 9, 10 and 14 have been amended. No new matter is being presented, and approval and entry are respectfully requested.

Claims 1 and 3-17 are pending and under consideration. Reconsideration is respectfully requested.

ENTRY OF RESPONSE UNDER 37 C.F.R. §1.116:

Applicants request entry of this Rule 116 Response and Request for Reconsideration because:

(a) at least certain of the rejected claims have been canceled thereby at least reducing the issues for appeal;

(b) it is believed that the amendments of claims 1, 9, 10 and 14 put this application into condition for allowance;

(c) the amendments were not earlier presented because the Applicants believed in good faith that the cited prior art did not disclose the present invention as previously claimed;

(d) the amendments of claims 1, 9, 10 and 14 should not entail any further search by the Examiner since no new features are being added or no new issues are being raised; and/or

(e) the amendments do not significantly alter the scope of the claims and place the application at least into a better form for appeal. No new features or new issues are being raised.

The Manual of Patent Examining Procedures sets forth in §714.12 that "[a]ny amendment that would place the case either in condition for allowance or in better form for appeal may be entered." (Underlining added for emphasis) Moreover, §714.13 sets forth that "[t]he Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified." The Manual of Patent Examining Procedures further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

REJECTION UNDER 35 U.S.C. §103:

In the Office Action, at pages 6-11, numbered paragraphs 3-4, claims 1-17 were rejected under 35 U.S.C. §103(a) as being unpatentable over Douglass et al. ("Understanding Ourselves and Others in the Team") in view of Gensing ("Don't Delay Start Today: Ten Surefire Ways to Conquer Procrastination"). The reasons for the rejection are set forth in the Office Action and therefore not repeated. The rejection is traversed and reconsideration is requested.

Independent claims 1, 9, 10 and 14 have been amended to include the features of claim 2 so that differences between the cited references and the present invention are clarified. Claim 2 has been cancelled without prejudice or disclaimer.

In response to the Examiner's comments:

Applicant argues, "while Douglass discloses using an analysis of personalities of multiple team members to maximize an effort of a team, the present claimed invention recites an analysis of a single individual, together with initial conditions which will vary depending upon the type of event scheduled." (Page 6 of Applicant's response) The Examiner respectfully disagrees. First, while Douglass makes recommendations for working with a team, the team is comprised of individuals and each individual's personality is assessed to determine how he/she will interact with the team (1111 9-10). Each person's potential contribution to the team is assessed on an individual level. Second, the claimed invention does not expressly recite that the initial conditions necessarily vary based upon the type of event selected. Even if this limitation were recited in the claims, both Douglass and Gensing are directed toward planning for different projects or jobs, thereby implying that the type of planned project or job would dictate the event items that need to be scheduled accordingly,

Applicants respectfully submit that planning for a team is substantially different from planning for an individual. Douglass discloses an analysis of a team and "maximizing team effort" as is set forth in the abstract of Douglass. In paragraph 17, Douglass discloses how to "appreciate the strengths and understand the weaknesses of your team members" and suggests accentuating the strengths of the team members. In contrast, the present invention recites that "a user" (see claim 1) utilizes an automatic planning apparatus having a planning unit which automatically plans a schedule for preparation and execution of the event including the event items as a whole based on the input initial conditions and the character of the user determined by said analysis unit. That is, there is no amelioration of the weaknesses of the user and no strengthening of the strengths of the user based on other individuals in the present invention.

In response to the Examiner's comments:

Applicant submits that "the Examiner does not discuss any specific evidence of motivation to combine Douglass and Gensing, but only makes conclusory statements."

(Page 7 of Applicant's response) The Examiner respectfully disagrees. As explained in the art rejection, both Douglass and Gensing are directed toward more effectively planning projects and jobs in light of the varying personalities of employees. Both articles discuss working toward the same goal of more efficient completion of schedules in preparation for a given event (e.g., completion of the planned project, job, etc.). Therefore, the Examiner maintains that one of ordinary skill in the art at the time of Applicant's invention would have indeed found it obvious and been motivated to combine the teachings of Douglass and Gensing to address the claimed invention for the reasons outlined in the art rejection.

Applicants respectfully submit that the courts have held: "Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching or suggestion supporting the combination." ACS Hosp. Sys., Inc. v. Montefiore Hosp., 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984). Although the suggestion to combine references may flow from the nature of the problem, see Pro-Mold & Tool Co. v. Great Lakes Plastics, Inc., 75 F.3d 1568, 1573, 37 USPQ2d 1626, 1630 (Fed. Cir. 1996), "[d]efining the problem in terms of its solution reveals improper hindsight in the selection of the prior art relevant to obviousness," Monarch Knitting Mach. Corp. v. Sulzer Morat GmbH, 139 F.3d 877, 880, 45 USPQ2d 1977, 1981 (Fed. Cir. 1998). Thus, Applicants respectfully submit that the Examiner's combination of Douglass and Gensing to provide the solution discovered by the present applicants is simply using hindsight to utilize Applicants' invention as a blueprint, which is impermissible.

In response to the Examiner's comments:

Applicant argues the following:

...However, Gensing fails to disclose anything about automatically making a plan including a plurality of plan items as a whole for an event, as shown, for example, in FIG. 26 of the present invention. Gensing teaches how to conquer procrastination by discovering a peak activation time, prioritizing projects by deadline and then by importance of tasks, making lists, using extra time to tackle smaller tasks rather than wasting the time, setting realistic deadlines for projects, aiming for quality projects, not perfect ones, delegating tasks, scheduling time to work without interruptions, rewarding oneself for meeting deadlines and learning to say no to unreasonable requests for assistance. However, Gensing does not teach or suggest analyzing a character of a single individual, together with initial conditions which will vary depending upon the type of event scheduled in order to plan an event automatically, as is recited by the present claimed invention. (Page 8 of Applicant's response)

First, the Examiner asserts that "prioritizing projects by deadline and then by importance of tasks" (as cited by Applicant) is an example of "making a plan including a plurality of plan items as a whole for an event." Second, the claimed invention does not expressly recite that the initial conditions necessarily *vary* based

upon the type of event selected. Even if this limitation were recited in the claims, both Douglass and Gensing are directed toward planning for different projects or jobs, thereby implying that the type of planned project or job would dictate the event items that need to be scheduled accordingly,

Applicants respectfully submit that Gensing recites how to conquer procrastination, which is a different task than automatically planning an event, as is recited in the claims of the present invention (see, for example, claim 1). Applicants respectfully submit that the claims of the present invention recite that the planning unit "automatically plans a schedule for preparation and execution of the event including the event items as a whole based on the input initial conditions and the character of the user determined by said analysis unit" (see claim 1). Since the preparation and execution of the event is based on the input initial conditions and the character of the user, it is respectfully submitted that it is inherent that the input initial conditions vary because, if the input initial conditions did not vary, there would be no need to input the initial conditions because the initial conditions would affect every user the same way.

In response to the Examiner's comments:

Applicant asserts that "[n]either Douglass nor Gensing teach or suggest using a computer readable medium for storing instructions to analyze a user's answers to a predetermined questionnaire to obtain a character analysis of a user and planning an event selected by a user based at least in part on the character analysis of the user" (page 8 of Applicant's response). Presumably, Applicant is referring to claims 9 and 14-17. On pages 5-6 of the previous Office action, the Examiner explained why it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to implement the recited method through use of automatic planning apparatus and components thereof. Applicant did not contest this part of the rejection. Claims 9 and 14-17 essentially recite the software needed to perform the methodology recited in claims 1-8, 12, and 13. Since claims 1-8, 12, and 13 recite the use of automatic planning apparatus and components thereof, software is deemed inherent to such automatic planning apparatus and components thereof in order to instruct the apparatus and components how to carry out the recited method. Therefore, by addressing apparatus claims 1-8, 12, and 13 that incorporate the methodology corresponding to claims 9 and 14-17, the software recited in claims 9 and 14-17 is deemed to have already been addressed by the rejection of claims 1-8, 12, and 13, as set forth in the art rejection,

Applicants respectfully submit that, as they recited previously, they disagree with the Examiner's contention that it would have been obvious to one of ordinary skill in the art at the time of Applicants' invention to implement the recited method through use of automatic planning apparatus as set forth in the claimed invention. Such a contention is based on hindsight - clearly, the present invention had not been set forth prior to the invention by the Applicants, and to suggest that the invention was obvious when it had not been disclosed at a prior date is using

improper hindsight. In fact, the fact that the invention had not been disclosed at a prior date suggests that the invention was non-obvious. Applicants disagree that they did not contest this part of the rejection - Applicants clearly stated: "Neither Douglass nor Gensing teach or suggest using a computer readable medium for storing instructions to analyze a user's answers to a predetermined questionnaire to obtain a character analysis of a user and planning an event selected by a user based at least in part on the character analysis of the user." Again, the Examiner is utilizing impermissible hindsight and is utilizing the present invention as a blueprint for arguing obviousness.

In response to the Examiner's comments:

Applicant argues that "neither Douglass nor Gensing teach or suggest using a neural network to analyze the user's answers to determine a level from a predetermined set of levels for each character factor of affection, sincerity, delicacy, action and courage, using levels obtained to set a character rating." (Page 8 of Applicant's response) Applicant's contention is not clear. As per claim 13, the art rejection states that "Douglass' time management personality assessment of each individual assesses a character rating based on a character analysis of the user using answers to the questionnaire and the character analysis defines a level of tendency toward action of each individual." Regarding claim 16, Official Notice was taken that it is old and well-known in the art to utilize neural networks to assess data and yield results mimicking human-based reasoning. Applicant has not challenged any of these statements; therefore, the Examiner maintains her position, as set forth in the art rejection. As a matter of fact, Applicant did not challenge the validity of any of the statements of Official Notice in the art rejection; therefore, these statements are now established as facts of record in accordance with MPEP § 2144.03(C),

It is respectfully submitted that invention is generally obtained by combining what is known. After this is done, with hindsight, it is convenient to say such was obvious, but such a statement does not prove obviousness. For example, Thomas Edison made tremendous advances in providing lighting devices, and some might have argued that same was obvious. However, to do so would be to ignore the reality. The following description (from <http://www.ideafinder.com/history/inventions /story074.htm>), which is known to those skilled in the art, shows how difficult it is to utilize combinations of elements to obtain desired results:

In the period from 1878 to 1880 Edison and his associates worked on at least three thousand different theories to develop an efficient incandescent lamp. Incandescent lamps make light by using electricity to heat a thin strip of material (called a filament) until it gets hot enough to glow. Many inventors had tried to perfect incandescent lamps to "sub-divide" electric light or make it smaller and weaker than it was in the existing arc lamps, which were too bright to be used for small spaces such as the rooms of a house.

Edison's lamp would consist of a filament housed in a glass vacuum bulb. He had his own glass blowing shed where the fragile bulbs were carefully crafted for his experiments. Edison was trying to come up with a high resistance system that would require far less electrical power than was used for the arc lamps. This could eventually mean small electric lights suitable for home use.

By January 1879, at his laboratory in Menlo Park, New Jersey, Edison had built his first high resistance, incandescent electric light. It worked by passing electricity through a thin platinum filament in the glass vacuum bulb, which delayed the filament from melting. Still, the lamp only burned for a few short hours. In order to improve the bulb, Edison needed all the persistence he had learned years before in his basement laboratory. He tested thousands and thousands of other materials to use for the filament. He even thought about using tungsten, which is the metal used for light bulb filaments now, but he couldn't work with it given the tools available at that time.

One day, Edison was sitting in his laboratory absent-mindedly rolling a piece of compressed carbon between his fingers. He began carbonizing materials to be used for the filament. He tested the carbonized filaments of every plant imaginable, including baywood, boxwood, hickory, cedar, flax, and bamboo. He even contacted biologists who sent him plant fibers from places in the tropics. Edison acknowledged that the work was tedious and very demanding, especially on his workers helping with the experiments. He always recognized the importance of hard work and determination. "Before I got through," he recalled, "I tested no fewer than 6,000 vegetable growths, and ransacked the world for the most suitable filament material."

Edison decided to try a carbonized cotton thread filament. When voltage was applied to the completed bulb, it began to radiate a soft orange glow. Just about fifteen hours later, the filament finally burned out. Further experimentation produced filaments that could burn longer and longer with each test. By the end of 1880, he had produced a 16-watt bulb that could last for 1500 hours and he began to market his new invention.

Hence, it is respectfully submitted that using a neural network to analyze the user's answers to determine a level from a predetermined set of levels for each character factor of affection, sincerity, delicacy, action and courage, using levels obtained to set a character rating was non-obvious at the time of the invention, and may not be negated by impermissible hindsight. Applicants submit that indeed, they did challenge the validity of any of the statements of Official Notice in the art rejection; therefore, these statements are not established as facts of record. Applicants recited: "In addition, neither Douglass nor Gensing teach or suggest using a neural network to analyze the user's answers to determine a level from a predetermined set of levels for each character factor of affection, sincerity, delicacy, action and courage, and using levels obtained to set a character rating. Thus, alone or in combination, Douglass and/or Gensing fail to teach or suggest the present invention."

In response to the Examiner's comments:

Applicant argues that "the Examiner is solving a different problem with the combination of Douglass and Gensing than the problem solved by the present claimed invention." (Page 8 of Applicant's response) In response to Applicant's argument that Douglass

and Gensing are nonanalogous art, it has been held that a prior art reference must either be in the field of Applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the Applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, the Examiner asserts that Douglass and Gensing are both concerned with taking the characters of individuals into account in order to more effectively schedule events, such as project tasks and jobs. The claimed invention is directed toward a similar goal, as described in the following excerpt from page 1 of Applicant's specification: "The present invention relates to an automatic planning apparatus and a computer product contained a program used to automatically construct a schedule for an event taking the character of the user into account." Therefore, the Examiner maintains that not only are Douglass and Gensing in the field of Applicant's endeavor, but they are also reasonably pertinent to the particular problem with which the Applicant is concerned,

Applicants respectfully submit that Douglass discloses how to maximize team effort and Gensing discloses how to conquer procrastination. In contrast, the present invention discloses an automatic planning apparatus to plan and execute an event based on input initial conditions and the character of the user determined by a questionnaire analyzed by an analysis unit. Maximizing a team effort is not using an automatic planning apparatus to plan and execute an event based on input initial conditions and the character of the user determined by a questionnaire analyzed by an analysis unit. Conquering procrastination is not using an automatic planning apparatus to plan and execute an event based on input initial conditions and the character of the user determined by a questionnaire analyzed by an analysis unit. It appears that the Examiner is bending the various fact patterns to fit the blueprint provided by the present invention. "Combining prior art references without evidence of such a suggestion, teaching, or motivation simply takes the inventor's disclosure as a blueprint for piecing together the prior art to defeat patentability--the essence of hindsight." See Dembiczak, 175 F.3d at 999, 50 USPQ2d at 1617. What the Examiner is asserting is that one could extrapolate portions of information from maximizing a team effort and portions of information from conquering procrastination, join them together advantageously and come up with the present invention, i.e., to invent the invention. It is respectfully submitted that the Applicants have already invented the invention, and it is impermissible hindsight to use their invention as a blueprint.

In response to the Examiner's comments:

Douglass discusses a time management approach based on the time management personalities of team members. Douglass' assessment process helps to understand individual differences in order to "[move] beyond irritations and confusion to building effective teams" (¶ 1). The personality type of each individual is gauged based on each individual's respective responses to a questionnaire (¶¶ 8-10). In other words, Douglass

performs the steps of creating and providing a questionnaire for determining a predetermined property of the user, receiving the answers to the questionnaire, and analyzing the predetermined property of the user based on a predetermined analysis method by considering the answers. Douglass provides in detail the time management style associated with each of four identified time management personality types (¶¶ 18-37). Implicit to Douglass' analysis are the advantages and pitfalls that each individual is likely to face as part of a team, based on his/her respective time management personality type. Douglass does not provide explicit advice to each personality type for planning a particular event; however, Douglass addresses various personality types, including "Time Tarrier" or procrastinator (¶¶ 26-28). Gensing provides procrastinators with tips for conquering the bad habits associated with procrastinators in order to complete planned tasks on time. For example, Gensing recommends that procrastinators organize their tasks by priority and then complete the more important tasks before starting the less important ones (¶¶ 11-16). Another suggestion is that larger projects, or events, be broken down into smaller, more manageable tasks (¶¶ 17-19). The procrastinator's goal is to complete tasks/projects by their established deadlines (i.e., the procrastinator plans backward from the deadlines or initial conditions). Based on the fact that the individual has a tendency to procrastinate (i.e., a predetermined property of the user), recommendations are proffered regarding how to plan, or schedule, completion of the desired tasks/projects in a timely manner. Gensing's article opens with the statement, "Procrastination is a problem that affects many supervisors and workers" (¶ 1). Gensing then proceeds to explain how workers and supervisors can take steps to conquer procrastination. Similarly, Douglass advises managers on how "to better understand their own selves and the team members" (¶ 1) through personality assessment of the team members; therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to extend the teachings of Douglass to provide specific advice regarding initial conditions required for executing the planning of an event, including event items as a whole, desired by a user and forming a schedule for the preparation and execution of the event based on the initial conditions and the analysis of the predetermined property of the user (as taught by Gensing and recited in claim 1) in order to assist teams of supervisors/managers and workers/team members in more efficiently and timely completing a planned project, especially in light of the varying time management personalities possessed by the various individuals involved. It should be noted that, since the recommended schedules are based on time management tendencies associated with each individual's personality, a plurality of patterns are classified as related to the predetermined property, or classification of a character, of the user and the scheduling is based on a plan linked to the recognized pattern (claim 2). Also, the user is supplied with and notified of the plan data/schedule since planning recommendations are provided to the user (claims 3 and 4). Since the planned/scheduled events occur during each individual's life, it is understood that the event is one of various events in life (claim 8). As per claims 12 and 13, Douglass' time management personality assessment of each individual assesses a character rating based on a character analysis of the user using answers to the questionnaire and the character analysis defines a level of tendency toward action of each individual,

As noted above, the Examiner appears to be bending the various fact patterns to fit the blueprint provided by the present invention and asserting is that one could extrapolate portions of information from maximizing a team effort and portions of information from

conquering procrastination, join them together advantageously and come up with the present invention, i.e., to invent the invention. Maximizing a team effort is not using an automatic planning apparatus to plan and execute an event based on input initial conditions and the character of the user determined by a questionnaire analyzed by an analysis unit.

Conquering procrastination is not using an automatic planning apparatus to plan and execute an event based on input initial conditions and the character of the user determined by a questionnaire analyzed by an analysis unit. It is respectfully submitted that the Applicants have already invented the invention, and it is impermissible hindsight to use their invention as a blueprint.

In response to the Examiner's comments:

Regarding claims 5-7, Douglass does not explicitly disclose how needed resources for a project are reserved and/or obtained. Gensing acknowledges that the ability to readily obtain needed resources affects the setting of project deadlines (11123-24); however, Gensing fails to provide any specific details regarding how such resources are reserved and/or obtained. Official Notice is taken that it is old and well-known in the art to reserve and/or purchase items, articles, or services needed to complete a project and provide payment thereof. As acknowledged by Gensing, the availability of necessary resources is crucial to setting feasible deadlines and Douglass too is directed toward completing projects in a timely manner; therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at time of Applicant's invention to implement with the Douglass-Gensing combination the ability to reserve and/or purchase items, articles, or services needed to complete a project and provide payment thereof in order to facilitate quick and efficient planning of a project in its entirety, including assurance of the provision of all needed resources in a timely manner,

The Examiner admits that Gensing fails to provide any specific details regarding how such resources are reserved and/or obtained. Again, Applicants point out that the Examiner is selecting elements such as reserving and/or purchasing items, articles, or services needed to complete a project and provide payment thereof and, with hindsight and the present invention as a blueprint, utilizing said elements. It is respectfully submitted that the present invention was not known at the time of the invention, and that Applicants invented it. To move backwards using hindsight, deeming various elements as known and combining them with other elements and then submitting the invention to be obvious is utilizing impermissible hindsight. The Examiner is simply utilizing the thought processes utilized by the Applicants, which processes are more clear now that the invention has been laid out - this is simply impermissible hindsight reconstruction.

In response to the Examiner's comments:

Furthermore, as per claims 1-8, 12, and 13, neither Douglass nor Gensing expressly

teaches the use of automatic planning apparatus and components thereof (e.g., a questionnaire unit, an analysis unit, an input unit, a planning unit, storage unit, a management unit, etc.). However, Official Notice is taken that it is old and well-known in the art to automate well-known manual processes in order to complete the processes more quickly, efficiently, and accurately than if performed entirely by a human. Therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to automate the steps discussed above through use of automatic planning apparatus and components thereof (e.g., a questionnaire unit, an analysis unit, an input unit, a planning unit, storage unit, a management unit, etc.) in order to facilitate completion of the processes more quickly, efficiently, and accurately than if performed entirely by a human,

With respect to claims 1-8, 12, and 13, the Examiner admits that neither Douglass nor Gensing expressly teaches the use of automatic planning apparatus and components thereof (e.g., a questionnaire unit, an analysis unit, an input unit, a planning unit, storage unit, a management unit, etc.). However, taking Official Notice that it is old and well-known in the art to automate well-known manual processes is not sufficient to generate the present invention. The elements of the present invention are not set forth in the prior art in the manner shown by the present invention. Also, the Examiner asserts that automation automatically allows completion of the processes more quickly, efficiently, and accurately than if performed entirely by a human - this statement is a generality that may not be correct - humans are notorious for not being predictable. The present invention utilizes an analysis unit to analyze answers to a questionnaire and to generate the character of the user from the answers - the generation of the character of the user is not interpreted by a human, but follows a pattern of analysis as set forth in the analysis unit, i.e., has limited interpretation, whereas a human may vary interpretation of the character of the user as the human deems appropriate. Clearly, such a process may differ when performed by a human. The Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to automate the steps discussed above through use of the automatic planning apparatus and components of the present invention - however, the automatic planning apparatus and its components were not available in the form of this invention until the present invention was invented - thus, it would not have been possible to automate same if the components were not yet configured as they are in the present invention. In other words, the present invention would have to be invented so that it could be automated. Thus, it is respectfully submitted that it would not have been obvious to one of ordinary skill in the art at the time of Applicant's invention to automate the process of the present invention through use of an automatic planning apparatus and components.

In response to the Examiner's comments:

[Claim 9] Claim 9 recites limitations already addressed by the rejection of claims 1-8, 12, and 13 above; therefore, the same rejection applies,

Applicants submit the same arguments as recited above.

In response to the Examiner's comments:

[Claims 10, 11] Claims 10 and 11 recite limitations already addressed by the rejection of claims 1-8, 12, and 13 above; therefore, the same rejection applies.

Applicants submit the same arguments as recited above.

In response to the Examiner's comments:

[Claims 14-17] Claims 14-17 recite limitations already addressed by the rejection of claims 1-8, 12, and 13 above; therefore, the same rejection applies.

Applicants submit the same arguments as recited above.

In response to the Examiner's comments:

Furthermore, as per claims 15 and 16, neither Douglass nor Gensing expressly teaches use of a neural network to perform assessment of the user's answers to yield a character rating. However, Official Notice is taken that it is old and well-known in the art to utilize neural networks to assess data and yield results mimicking human-based reasoning. Neural networks automate human-based reasoning and therefore can quickly and fairly accurately model and predict approximate results based on this same type of human-based reasoning. Therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to adapt the Douglass-Gensing combination to performs its assessment of the user's answers to yield a character rating through use of a neural network in order to quickly and fairly accurately model and predict approximate character analysis results based on the human-based reasoning disclosed by Douglass,

The Examiner admits that neither Douglass nor Gensing expressly teaches use of a neural network to perform assessment of the user's answers to yield a character rating. Again, the Examiner looks to known elements and attempts to use them to implement the present invention. Applicants submit that this is simply using impermissible hindsight and using the invention as a blueprint to come up with the present invention. Just because neural networks exist does not make it obvious to utilize same to implement the components of the present invention in the manner described in the claims to obtain results in the manner described in the specification of the present invention.

Hence, it is respectfully submitted that claims 1-17 are patentable under 35 U.S.C. §103(a) over Douglass et al. ("Understanding Ourselves and Others in the Team") in view of Gensing ("Don't Delay Start Today: Ten Surefire Ways to Conquer Procrastination").

CONCLUSION:

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot, and further, that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited. At a minimum, this Amendment should be entered at least for purposes of Appeal as it either clarifies and/or narrows the issues for consideration by the Board.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited and possibly concluded by the Examiner contacting the undersigned attorney for a telephone interview to discuss any such remaining issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: June 1, 2005

By: Darleen J. Stockley
Darleen J. Stockley
Registration No. 34,257

1201 New York Avenue, N.W.
Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501